

Minutes of the Meeting of
Louisiana State Board of Architectural Examiners
Southern Hotel - Covington, Louisiana
September 19, 2014
10:00 AM

Attending

John Cardone, Jr., President presiding
Allen Bacqué
Creed W. Brierre
J. David Brinson
Richard LeBlanc
Robert W. McKinney
Teeny Simmons, Executive Director
Paul H. Spaht, Board Attorney
Robert Eddleman, Board Investigator
Mary Porche, Administrative Assistant

Call to Order

1. The meeting was called to order by the President and the Board welcomed Mike Armstrong and Kathy Hillegas (NCARB). This was the first time an NCARB CEO attended an LSBAE meeting. Because of this occasion, the Board decided to meet at the beautiful and newly renovated Southern Hotel in Covington, Louisiana.

Minutes Approved

2. The minutes from the meeting held July 11, 2014 were approved as written.

IDP Report

3. Jenny Pelc, State IDP Coordinator (State Licensing Advisor), presented the following IDP report.

1 – Communication

a. LSBAE Communication:

1. Website: Provided updates for information and contacts provided on the state website

2. Newsletter:

- i. Provide re-cap of Conference and highlight important changes to Licensure Process
- ii. also expect to begin highlighting activities at particular school – UL-Lafayette will be featured first (as well as publication of Geoff's book)
- iii. Shannon French to provide article about Intern Think Tank

b. School Events:

1. LSU – Baton Rouge: working with Robert to schedule

2. Louisiana Tech: **Wednesday, October 29 at 4:30pm** (no NCARB this year)
 3. Tulane University: **Thursday, September 3, 3:30pm – 4:45pm and 5pm – 6:15pm** (no NCARB this year); a second presentation will be provided in conjunction with the Emerging Professionals Conference in **November**
 4. University of Louisiana – Lafayette: **Monday, October 20 at 12pm** (NCARB representative Kim Tuttle present); sign-up will be held at 5:30 pm
- c. Professional Events: primarily focusing on visits to AIA chapters in the spring; however, there are a few chapters who will overlap with School Presentations
1. Baton Rouge: plan to coordinate with the LSU trip
 2. Monroe: Kevin will advertise LA Tech presentation
 3. Lafayette & S. Louisiana: Geoff will advertise ULL presentation
 4. New Orleans: Ron Blitch and Jenny Pelc presenting overview of changes at AIA Center for Design on Wednesday, October 15 at 5:30pm
 5. Regional: AIA Emerging Professionals Conference in New Orleans; IDP Bootcamp *tentatively* scheduled **Thursday, November 13 at 5:15pm** at AIA Center for Design

2 – Updates from IDP Coordinators Conference

- a. All Louisiana Schools were represented; Additionally, Teeny Simmons and Shannon French (Intern Think Tank)
- b. Name of position is changed from current to “Licensing Advisor”; no longer distinction between school or state except in terms of appointment
- c. Several recent changes to IDP announced
- d. Announcement of proposed IDP changes
- e. Announcement of ARE 5.0

3 – Future Initiatives/ List of Goals

- a. No additions from September 2014
- b. Expect to provide update to LA IDP Forum 2016 during next Board Meeting

4. The Executive Director gave the following report:
 - A. Continuing firm renewals.
 - B. Finalized "Big Book" for SFMO/Interior Designers.
 - C. Preparation for advertising Mr. Brierre's expired term (December 31) District 1.
 - D. Attendance:
 1. July 16 - SFMO.
 2. July 22 – Site Visit to Southern Hotel (Covington, LA).
 3. July 30 to August 3 – IDP Coordinator's Conference Miami (all LA Schools represented).
 4. August 12 – Meeting/Luncheon with SFMO (Blitch/Brinson, reps of AIALA) at Zea's restaurant re: Interior Designers.
 5. August 14 to August 17 – Washington, DC/PCC Meeting.
 6. August 26 – FMO Seminar (Plan Reviews).
 7. September 3 to September 5 – AIALA Design Conference/New Orleans, LA.

5. Mr. Spaht presented the following legal matters:
 - A. Signing/Dating Construction Drawings – The board reviewed an email chain originating with Diane Hickman on September 4, 2014, asking if the law or rules of the either the board or the State Fire Marshal require the signing and dating of each sheet in a set of construction documents. The chain included emails from Lawrence "Joe" Delaune, Chief Architect of the Office of State Fire Marshall, and Ms. Simmons advising that they were unaware of anything in the Architect's Licensing Law or the rules of the OFM requiring the signing and dating of each sheet. This information was primarily included in the board packet for informational purposes; however, in addition it was included to see if the board was interested in amending its rules to implement some sort of signing/dating requirement. After discussion, the board concluded that its current rules were adequate, particularly considering the increasing use of electronic submissions of construction documents.
 - B. Ownership of Plans – The board reviewed an email string dated September 9, 2014, between Mr. Delaune and Ms. Simmons wherein Mr. Delaune explained changes in the OFM system and then asked two questions: (1) does the architect that seals the plans still own them, or is it the owner/client who paid for them, and (2) should the OFM allow stamped plans in its new system to be shared by the OFM with a second POR hired by the Owner to close out the project without the authorization of the first POR who prepared the plan.

The board discussed these two questions. As to the first question, the board reviewed Article 7 of AIA Document B101-2007 (Standard Form of Agreement between Owner and Architect). Article 7.2 provides: "The Architect and the Architect's

Consultants shall be deemed the authors and owners of their respective Instruments of Service, including the Drawings and Specifications, and shall retain all common law, statutory and other reserved rights, including copyrights.” The board observed that on a particular project Article 7.2 might be amended by the Owner and Architect to provide that the Owner owns the drawings or specifications, and other contracts might provide that the Owner owns such documents. Further, state projects generally provide differently that Article 7.2. *See* La. R.S. 38:2317. Accordingly, although in the industry the architect is generally considered the owner of the drawings and specifications even after payment by the Owner, the owner of such documents on a particular project is more accurately determined by the agreement between the Owner and the Architect.

As to the second question, the board was hesitant to express an opinion as to whether stamped plans should be shared by the OFM with a second POR hired by the Owner to close out the project without the authorization of the first POR who prepared the plans. The answer to this question is not contained within the board’s law or rules, and thus opining on this question may be beyond the board’s authority. The personal opinions expressed by a few board members was that, considering the issue of ownership of the plans, the OFM should not share stamped plans with a second POR hired by the Owner to close out the project without the authorization of the first POR who prepared the plans, at least not until the Owner demonstrates it owns the plans. The board will share these thoughts with the OFM, cautioning that in the opinion of the board the answer to this second question is within the jurisdiction of the OFM, not the board.

The Executive Director will advise Mr. Delaune of the board’s discussions and thoughts.

- C. Interior Designers – Ms. Simmons and Lynn Robertson of AIA Louisiana summarized the meeting between the board’s interior designers committee (Messers. McKinney, Brinson and members of AIALA) with Butch Browning of the OFM on August 12, 2014. The update was provided for informational purposes, and no further board action was deemed necessary.
- D. Waiver – The board reviewed an email from Michael Rouchell dated September 11, 2014, concerning a request for a waiver by the board for the name The Institute of Classical Architecture & Art. Mr. Rouchell wishes to start a New Orleans Chapter of this organization. He explained that the New Orleans Chapter will localize the national organization’s mission of advocating and promoting classical architecture. It will not offer any architectural services. The board discussed the request and concluded that the name, The Institute of Classical Architecture & Art, did not indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect. Ms. Simmons will advise Mr. Rouchell that the board will grant the waiver.
- E. Use of the Title “Architect” by Software Developers – The board reviewed an email dated August 4, 2014, from Mr. Blich, unable to attend the meeting because of an injury that morning, questioning the use of the title “architect” by software developers. Mr. Blich attached a recent advertisement for a “Senior Architect” by Geocent, a software developer. The advertisement indicated that the open position was “in the Technology Field” and that the “Senior Architect” being sought for

employment will be working with a team to provide “services for the systems engineering, integration testing, technical services and management services for SPAWAR/PEO Integrated Data Environment & Repository (SPIDER).”

La. R.S. 37:145.A provides that “[n]o person shall practice architecture in this state or use the title “architect” . . . to indicate that such person practices or offers to practice architecture, or renders architectural services, or is an architect,” unless such person shall have secured from the board a certificate of registration or license in the manner provided. After discussion, the board concluded that the subject advertisement, taken as a whole, did not indicate that the position being advertised was for an architect as defined by the Architect’s Licensing Law, La. R.S. 37:141, et seq. The board recognized that the Geocent advertisement was merely illustrative of a number of advertisements for an “architect” in the software development/information technology field. Nonetheless, it was stated that this was a battle which was likely not worth the time or expense necessary for the fight; further, after such a battle, the board attorney was not optimistic that a court would conclude that such advertisements violate the licensing law since these sorts of advertisements have been occurring nationwide (and in LA) for some time. After the discussion was concluded, Mr. Armstrong of NCARB commented that the horse was likely out of the barn on these sorts of advertisements.

F. Enforcement Report – Mr. Eddleman reported on the enforcement matters since the Board meeting of July 11, 2014.

A. Nine (9) cases for alleged unlicensed practice were opened.

B. Seven (7) cases were closed due to a ratified Consent Order, cease and desist letter, or no violation.

G. Formal Disciplinary Actions – Mr. Eddleman presented the following CRC matter:

Case 2013-6 – Archi-Mundi Consulting Inc. – Mr. Eddleman reported on an unlicensed architectural firm that submitted an application for firm licensure who admitted to practicing and/or offering to practice architecture prior to obtaining licensure. The firm signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. LeBlanc, seconded by Mr. Brinson, to approve the signed Consent Order.

Budget Report

6. The August, 2014 budget report was reviewed.

7. The following items included for informational purposes only:

A. Hillegas email dated 09/03/14 re: Release of Request for Interest and Information regarding NCARB’s continued exploration of a model framework facilitating an integrated path to licensure resulting in a license at the time of graduation.

B. Minutes from FMO Roundtable/July 16, 2014.

C. Geoff Gjertson's invitation to pre-release of his book "Generating Hope" on October 7, 2014 in Lafayette.

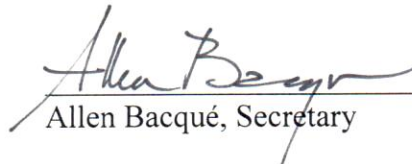
8. The Board then offered time to Mr. Armstrong and Ms. Hillegas to discuss NCARB updates and happenings. As usual, the Board was pleased with NCARB's activities and initiatives. To date Mr. Armstrong and Ms. Hillegas have visited 45 licensing boards throughout the country.
9. It was noted that Mr. Blich could not attend the meeting because of an early morning fall, but welcomed the Board to his home in Abita Springs for wonderful desserts and a lovely tour of his house.
10. December 12 is the remaining Board meeting date for 2014:

12/12/14

Date



John Cardone, Jr., President



Allen Bacqué, Secretary